

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 2-8, 10-13, 15, and 16 remain pending in the present Application. Claim 10 has been amended to address an informality. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claim 10 stands objected to due to an informality; and, Claims 2-8, 1-13, 15, and 16 stand rejected under 35 U.S.C. § 102 a being anticipated by Gruse et al. (U.S. Patent No. 6,389,538, hereinafter Gruse).

OBJECTION TO THE CLAIMS

The outstanding Official Action has objected to Claim 10. In response, Applicants have amended Claim 10 to clarify the detection step. Accordingly, Applicants respectfully request that the objection to Claim 10 be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The outstanding Official Action has rejected Claims 2-8, 1-13, 15, and 16 under 35 U.S.C. § 102 a being anticipated by Gruse. The Official Action contends that Gruse describes all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

By way of background, copy protection systems are provided to preclude the copying of original content. For example, copy protection systems may preclude copying all together, or, limit copying to a certain number of instances. However, in such systems, original

content can sometimes be manipulated to be repeatedly duplicated to acquire plural second generation copies of original content data, thus circumventing copyright laws.¹

In light of at least the above deficiency in the art, the present advancements are provided. With this object in mind, a brief comparison of the claimed advancements, in view of the cited references, is believed to be in order.

Claim 2, recites, *inter alia*, an information processing method, including:

... deciding whether copying of the contents discriminated by the discriminating information is allowed in accordance with a comparison between the temporal data stored in the database and current time; and
duplicating the contents in accordance with said decision whether copying of the content is allowed,
wherein the duplication of the content is prohibited when an interval of time between the current time and the previous start time of duplication of said content specified by the temporal data stored in the database is less than predetermined amount of time.

Gruse describes a system for tracking usage of digital content on user devices. The platform enables content providers (101) to distribute content to customers via a transmission infrastructure (107) and hosting site (111).² Specifically, content is packaged to form secure containers (SE) for delivery. For example, as outlined in Gruse at steps 142-148, throughout column 21, the user purchasing a secure container initiates a series of communications to decrypt the secure container by accessing encryption keys of a clearing house (105) for obtaining a symmetric key for decrypting content. In this way, the server sends a content package to a user requesting the content. The user may play back (or copy) the content by transmitting a request to the server, which includes data of the secure container. The server checks the data and transmits a license to the user and records usage of the content.

Conversely, in an exemplary embodiment of the Applicants' advancements as recited in amended Claim 2, an information processing apparatus and associated method are

¹ Application at page 1.

² See Fig. 1D.

provided wherein the duplication of previously duplicated content is prohibited when an interval of time between a present time and the start time of the prior duplication of the content is less than a predetermined period. This feature enables the processing apparatus and associated method of the present advancements to prevent mass duplication of already duplicated content.³

While Gruse provides a content usage control layer (505) to enforce conditions, or restrictions, imposed on the use of content (113), these conditions merely specify the number of plays allowed for content or whether or not a secondary copy of the content is allowed. Gruse does not disclose, or suggest, the prohibition of content duplication when an interval of time between the current time and the previous start time of duplication of content is less than the predetermined amount of time, as currently recited in Applicants' Claim 2, or any claim depending therefrom. Likewise, as independent Claim 3 recites substantially similar limitations to that discussed above, Applicants respectfully submit that this claim, and any corresponding dependent claims, are also allowable over the cited reference. With specific regard to dependent Claims 11-16, Applicants note that Gruse does not disclose, or suggest, the more detailed features recited in these claims. Specifically, in support of the rejection of Claim 11, the Official Action notes column 55, line 47 through column 56, line 20 of Gruse. Applicants note that this portion of the Gruse reference relates to the completion of an encoding process. Specifically, this portion of Gruse is related to workflow and the time in which jobs in a cue for encoding are completed. While the words "predetermined" and "time" appear in this passage, the time to encode a job in accordance with Gruse has absolutely nothing to do whatsoever with a predetermined time, which is used as a threshold

³ Application at page 70, lines 16-20

for determining whether or not content may be duplicate, as recited in Applicants' Claims 11, 13, 15, and 16.

With respect to Claim 12, Applicants note that Claim 12 recites a more detailed aspect of the Applicants' advancements in which duplicate of the content is allowed when discrimination information and temporal data of the content to be duplicated is not stored in a database. As noted in the Official Action, the support for rejecting this claim based on Gruse was cited as column 61, line 37 through column 62, line 32. Applicants note that this portion of Gruse merely specifies a date range of availability of an offer for purchasing a transaction. In other words, the period of time during which the purchase/rental transaction is allowed to occur.⁴ The time of offering content has nothing to do with the duplication of that content based upon temporal data or discrimination data, as recited in Applicants' Claim 12. As such, Claims 11-16 are allowable for these additional reasons.

Accordingly, Applicants respectfully request that the rejection of Claims 2-8, 10-13, 15, and 16 under 35 U.S.C. § 102 be withdrawn.

⁴ Gruse at column 62 (4).

CONCLUSION

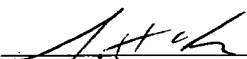
Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 2-8, 10-13, 15, and 16, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,
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